IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 18709 of 2004

Between:

Smt.Mallapureddi Rajeshwari W/o.M.Govind Rao
Fair Price Shop dealer, Resident of Kanimeraka Village
Bondapalli Mandal, Vizianagaram District.

..... PETITIONER

AND

1 The Commissioner of Civil Supplies and Ex-Officio Secretary

to Government of A.P. Food and Civil Supplies Department,
Somajiguda, Hyderabad.
2 The Revenue Divisional Officer (Civil Supplies),

Vizianagaram.
3 The Mandal Revenue Officer (Civil Supplies) Bondapalli

Mandal, Vizianagaram District.
4 The Deputy Tahsildar (Civil Supplies), Gajapathi Nagaram,

Vizianagaram Dist.,

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an appropriate writ, order or direction, more particularly writ of mandamus declaring the order suspending the authorisation and directing to appoint in-charge in place of the petitioner is arbitrary, illegal, invalid, unconstitutional and against

principles of natural justice and consequently set aside the impugned order of the Respondent No.2 Vide letter No.1928/04 H, dt.23.9.04, against the petitioner.

Counsel for the Petitioner:MR.G.HEMACHALAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner was appointed as a Fair Price Shop Dealer for Kanimeraka Village, Bndapalli Mandal, Vizianagaram District, in the year 1997.

The allegation against the petitioner is that she has not distributed the rice meant for ISL Scheme properly, and that she has been using improper weights. It was also alleged that the Kerosene was being sold at Rs.10/- per liter.

Several contentions are urged on behalf of the petitioner. The matter has undergone several adjournments to enable the respondents to file counter affidavit. On instructions, learned Government Pleader for Civil Supplies submits that the 2nd respondent had since issued a show cause to the petitioner directing her to show cause as to why the authorization shall not be cancelled and that the petitioner had since submitted her explanation.

The allegations against the petitioner are not so serious as to warrant the suspension. One of the allegations is that she is using uncertified weights in distribution of the essential commodities.

Learned counsel for the petitioner has placed before this Court the certificate, dated 29.07.2004, wherein the Inspector, Metrology, had standardized the weights used by the petitioner. It is not the regular function or duty of the fair price shop dealer to distribute the rice meant for ISL Scheme.

For the foregoing reasons, the writ petition is disposed of directing that if the 2nd respondent has not passed any final orders so far, the impugned order, dated 23.09.2004, shall remain suspended, till the final order is passed. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 26th November, 2004

Note: Furnish copy by

27.11.2004

(B/o.)

Ts

To

1 The Commissioner of Civil Supplies and Ex-Officio Secretary

to Government of A.P. Food and Civil Supplies Department,
Somajiguda, Hyderabad.

2 The Revenue Divisional Officer (Civil Supplies),

Vizianagaram.

3 The Mandal Revenue Officer (Civil Supplies) Bondapalli

Mandal, Vizianagaram District.

4 The Deputy Tahsildar (Civil Supplies), Gajapathi Nagaram,

Vizianagaram Dist.,

5 2 CCs to G.P for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

6 2 CD copies